



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



### **CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – APRIL 3, 2007**

## **FULL BOARD MEETING AGENDA<sup>1</sup>**

**APRIL 3, 2007**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**Sean Harrigan, President**  
**Anne Sheehan, Vice President**  
**Maeley Tom, Member**  
**Patricia Clarey, Member**  
**Richard Costigan, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** April will be the Executive Officer Shimomura's last full month before retirement.
- B.** Gladys Washington, SPB's Chief of the Appeals Division has retired and will be greatly missed. Carol Ong has been appointed Interim Chief of the Appeals Division.
- C.** Suzy Ambrose, the new Executive Officer, participated in a walk through of the SPB building meeting staff and viewing the premises.
- D.** The new computer system to handle the SPB's examination and certification function has gone out to bid and the project is moving ahead.
- E.** This afternoon, the Board will conduct its first introductory hearing on the new GPA classification. This will help bring more college graduates into state service.

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)  
– DPA Representatives**

Division Chief Daryll Tsujihara presented Laura Aguilera and Floyd Shimomura with gifts for their hard work on the HR Modernization project. Mr. Tsujihara also gave a brief report on recent activities of the Department of Personnel Administration.

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<sup>1</sup> The Minutes for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**4. REPORT OF THE CHIEF COUNSEL – Elise Rose**

- Spoke at Workforce and Labor Development Agency as well as State Personnel Board's Council of Counsels, briefing chief counsels and other attendees on new law, board decisions, pertinent legislation, regulations, and the new Government Program Analyst proposal.
- Bruce Monfross is leaving State Personnel Board to take a position at the Franchise Tax Board.

**5. NEW BUSINESS**

The June full board meeting originally scheduled for June 5-6, 2007 has been rescheduled to June 4-5, 2007.

**6. REPORT ON LEGISLATION**

**NONE**

**7. HEARING**

**PUBLIC HEARING ON PROPOSED PERSONAL SERVICES COST SAVINGS CONTRACT REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A).**

**- Bruce Monfross, State Personnel Board**

Persons Participating:

Bruce Monfross, State Personnel Board  
Anne Giese, Attorney, SEIU, Local 1000  
Dan Roynas, Research Coordinator, SEIU, Local 1000

**ACTION: SUBMITTED**

**8. ORAL ARGUMENT**

In the matter of **CASE NO. 06-0188A**. Appeal from dismissal  
Physician & Surgeon, CF. Department of Corrections and Rehabilitation.

Persons Participating:

Linda Buzzini, Attorney, Federal Court Receiver.  
Cynthia Perez, Attorney, Department of Corrections and Rehabilitation,  
representing department.  
Steven Bassoff, Attorney, representing appellant.

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**10. ORAL ARGUMENT**

In the matter of **CASE NO. 05-0927BA**. Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation.

Persons Participating:

Jolie N. Poper, Staff Counsel, Department of Corrections and Rehabilitation, representing department.

Mark A. Carroll, Staff Legal Counsel, California Correctional Peace Officers Association, representing appellant.

**ACTION: SUBMITTED**

**11. ORAL ARGUMENT**

In the matter of **CASE NO. 05-4416PA**. Petition for rehearing granted November 14, 2006. Medical Technical Assistant (Correctional Facility). Department of Corrections and Rehabilitation.

Persons Participating:

Mark A. Carroll, Staff Legal Counsel, California Correctional Peace Officers Association, representing appellant.

Jolie N. Poper, Staff Counsel, Department of Corrections and Rehabilitation, representing department.

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**12. STATE PERSONNEL BOARD INTERPRETER PROGRAM**

State Personnel Board staff presented the findings of a recently conducted study by Highlands Consulting on the SPB's Interpreter Program. The presentation included background information on the program and the report's recommendations regarding the future of the program.

- **April Partington, Staff Services Analyst, State Personnel Board**
- **Eric Norton, Consultant, Highlands Consulting**

**13. INFORMATIONAL HEARING – California State Personnel Board Staff**

The State Personnel Board staff proposed the establishment of a new classification titled Governmental Program Analyst to facilitate the recruitment and provide an avenue for college graduates to enter into state government. The informational hearing provided the State Personnel Board with an opportunity for questions, comments and discussion in order to reflect on the broad spectrum of considerations of the proposal.

**14. NEW EMPLOYEE ORIENTATION – State Personnel Board Staff**

The State Personnel Board's new employees were introduced.

**15. SELECTION ANALYST CERTIFICATE PRESENTATION**

Patricia Echard	Maria Pires-Molina
Betsy Jordan-Edholm	Rachel Pollock
Renee Evans	Gwyneth Raymer
Casey Gates	Kathryn Roche
Sanvador Gayle	Marion Springer
Robin Henry	Linda Story
Vicki Kepner	Terri Trim
Michelle Loo	Brian Walker
Kirsten Malme	

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**16. EMPLOYEE PERSONNEL MATTER, APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Discussion of personnel matters relating to transition period pending start date of new Executive Officer. [Government Code section 11126(a)(1); Government Code section 11125.3(a)(2).]

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**17. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).] (See Action Taken on Pages 12–18)

**18. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

**19. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature. [Government Code section 18653.]

**AB 295 (LIEU)**

This bill would require specified state agencies to expand data collection categories for Asians and Pacific Islanders to include an additional 10 race/ethnicity categories.

**POSITION: NO POSITION**

**20. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**21. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF  
APRIL 17, 2007, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**22. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
MARCH 1-2, 2007**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**23. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 12–21**

**24. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes on Pages 27–28)**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**25. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 21–23**

**26. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR  
DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH,  
REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE  
CRITERIA, ETC.**

**NONE**

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**27. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**28. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF INFORMATION OFFICER (CIO)**

The Department of Financial Institutions proposes to allocate the above position to the CEA category. The Chief Information Officer will be responsible for establishing department wide policies regarding information systems, information technology and strategic planning.

The California Department of Health Services on behalf of the Department of Public Health (CDPH) proposes to allocate the following seven positions to the CEA category. Senate Bill (SB) 162 establishes the California Department of Public Health (CDHP) effective July 1, 2007.

**DEPUTY DIRECTOR, ADMINISTRATION DIVISION**

The Deputy Director plans, organizes, and directs three major administrative support functions including: financial management, human resources, and business services and is a key member of the Executive Management Team, who effectively recommends and implements major policies and decisions for effective and efficient departmental operation.



**CHIEF, HUMAN RESOURCES BRANCH**

The Chief of the Human Resources Branch is responsible for policy development and planning, organizing, and directing staff in the performance of the full range of human resources services which include, but are not limited to: labor relations, workers' compensation, payroll, benefits, employment examinations, department-wide training, recruitment, succession planning, and management analysis and advice on employee discipline and classification and organizational issues.

**CHIEF, PROGRAM SUPPORT BRANCH**

The Chief of the Program Support Branch is responsible for policy development and planning, organizing, and directing staff in the performance of the full range of program support services which include, but are not limited to: capital outlay budgeting, facilities planning and management/operations, telecommunications, contracts and procurement, health and safety, records, and mail processing.

**CHIEF, FINANCIAL MANAGEMENT BRANCH**

The Chief of the Financial Management Branch is responsible for policy development and planning, organizing, and directing staff in the performance of the full range of financial services including but not limited to: development and maintenance of the CDPH budget of over \$3 billion, accounting, financial audits, and fiscal policy review and advice.

**CHIEF, OFFICE OF CIVIL RIGHTS**

The Chief of the Office of Civil Rights is responsible for policy development and planning, organizing, and directing staff in the performance of civil rights activities including, but are not limited to: equal employment practices and reasonable accommodation program and equal access to health services for beneficiaries.

**DEPUTY DIRECTOR, INFORMATION TECHNOLOGY SERVICES DIVISION**

The Deputy Director performs as the Chief Information Officer for CDPH and, is responsible for policy development and planning, organizing, and directing staff in the performance of information technology projects and activities.

**CHIEF, APPLICATION SUPPORT BRANCH**

The Chief of the Application Support Branch is responsible for policy development and planning, organizing and directing staff in the performance of specialized departmental Information Technology applications/systems.

April 3, 2007

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**DEPUTY DIRECTOR, REAL ESTATE SERVICES DIVISION**

The Department of General Services has withdrawn their proposal to allocate the above position to the CEA category effective March 5, 2007.

**DIRECTOR, FACILITIES MANAGEMENT, PLANNING AND SERVICES**

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

**DIRECTOR, DISABILITY AND SURVIVOR BENEFITS DIVISION**

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

**DIRECTOR, SERVICE RETIREMENT**

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

**DIRECTOR, MEMBER ACCOUNT SERVICES**

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

**DIVISION CHIEF, TALENT MANAGEMENT DIVISION**

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

**DEPUTY DIRECTOR, OPERATIONS DIVISION**

The Department of Child Support Services' proposal to allocate the above position to the CEA category was approved effective February 23, 2007.

**CHIEF, THIRD PARTY LIABILITY AND RECOVERY DIVISION**

The Department of Health Services' proposal to allocate the above position to the CEA category was approved effective February 23, 2007.

**SECURE TREATMENT PROGRAM CLINICAL DIRECTOR**

The Department of Developmental Service's proposal to allocate the above position to the CEA category was approved effective March 7, 2007.

**ACTION: NOTED**

**29. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**30. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**31. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**32. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 24–26**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 23 – 25 AS NOTED.**

**23. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On April 3, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 05-0053A**

Appeal from dismissal

**Classification:** Park Maintenance Assistant

**Department:** Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) CASE NO. 05-2211A**

Appeal from dismissal

**Classification:** Senior Tax Compliance Representative

**Department:** Employment Development Department

Proposed decision rejected September 20, 2006.

Oral argument heard March 2, 2007.

Case ready for decision by FULL Board.

**NO ACTION**

**(3) CASE NO. 06-1433**

Appeal from official reprimand

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

**NO ACTION**

**(4) CASE NO. 05-0947A**

Appeal from dismissal

**Classification:** Housing Finance Specialist (General)

**Department:** California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(5) CASE NO. 06-1310**

Appeal from 14 working days suspension

**Classification:** Regional Administrator

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

**NO ACTION**

**(6) PSC NO. 06-02**

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

**Department:** Department of Corrections and Rehabilitation

**Employee Organization:** AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

**ACTION:** The Board issued a decision disapproving the contracts (Member Costigan did not participate).

**(7) PSC NO. 06-05**

Appeal of the California Highway Patrol from the Executive Officer's September 28, 2006 Disapproval of a Contract for Custodial Services between the California Highway Patrol and Moran Janitorial Services.

Oral argument heard March 2, 2007.

Case ready for decision by FULL Board.

**ACTION:** The Board issued a decision disapproving the contracts (Member Tom did not participate).

**(8) PSC NO. 06-04**

Appeal from Executive Officer's August 15, 2006 disapproval of a Personal Services Contract for Hearing Reporter Transcription Services.

**Department:** California Air Resources Board (ARB)

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

**ACTION:** The Board reissued its decision disapproving the contracts (Member Costigan did not participate).

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On April 3, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 06-0188A**

Appeal from dismissal

**Classification:** Physician & Surgeon, CF

**Department:** Department of Corrections and Rehabilitation

**ACTION: SUBMITTED**

**(2) CASE NO. 05-0927BA**

Appeal for back salary determination

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**ACTION: SUBMITTED**

**(3) CASE NO. 05-4416PA**

Petition for rehearing granted November 14, 2006

**Classification:** Medical Technical Assistant (Correctional Facility)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.

**C. CHIEF COUNSEL RESOLUTIONS**

On April 3, 2007, the Board took the following action on the case listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 05-3741**

Appeal from dismissal

**Classification:** Medical Technical Assistant, CF

**Department:** Department of Corrections and Rehabilitation  
Request for Order to Show Cause against Department of  
Corrections and Rehabilitation

**ACTION: SUBMITTED**

**COURT REMANDS**

NONE

**STIPULATIONS**

NONE

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On April 3, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 06-3014**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision  
revoking the official reprimand.

April 3, 2007

- (2) **CASE NO. 06-0952**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the dismissal.
- (3) **CASE NO. 06-1531**  
Appeal from one step reduction in salary for six consecutive qualifying pay periods  
**Classification:** Psychiatric Technician  
**Department:** Department of Developmental Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (4) **CASE NO. 06-4253**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator II  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the dismissal.
- (5) **CASE NO. 06-2738**  
Appeals from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (6) **CASE NO. 06-1574**  
**CASE NO. 06-1576**  
**CASE NO. 06-1642**  
Appeals from dismissal  
**Classification:** Correctional Officers  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissals.
- (7) **CASE NOS. 05-0048 & 05-1780**  
Appeal from 3 days suspension and whistleblower retaliation complaint  
**Classification:** General Auditor III  
**Department:** State Controller's Office  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension and denying the whistleblower retaliation complaint.



April 3, 2007

**(8) CASE NO. 06-4349**

Appeal from letter of reprimand

**Classification:** Special Investigator

**Department:** Department of Developmental Services

**ACTION:** The Board rejected and remanded the matter to the ALJ for further findings on whether appellant was in a represented classification and whether there was any other type of administrative appeal process available to appellant to challenge a letter of instruction.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On April 3, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 03-3412P**

Appeal from rejection during probation

**Classification:** Correctional Counselor II

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing granted.

**(2) CASE NO. 06-3185P**

Appeal from dismissal

**Classification:** Parole Agent I

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing denied.

- (3) **CASE NO. 04-1789P**  
Appeal from 60 work days' suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** Petition for rehearing denied.
- (4) **CASE NO. 06-0745P**  
Appeal from dismissal  
**Classification:** Assistant Caltrans Administrator  
**Department:** Department of Transportation  
**ACTION:** Petition for rehearing denied.
- (5) **CASE NO. 06-0011P**  
Appeal from five percent reduction in salary for three months  
**Classification:** Maintenance Supervisor  
**Department:** Department of Transportation  
**ACTION:** Petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On April 3, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 05-1007EA**  
Appeal from denial of discrimination complaint  
**Classification:** Outside contractor  
**Department:** Department of Transportation  
  
Proposed decision rejected December 19, 2006.  
Oral argument originally set April 3-4, 2007, Sacramento.  
Oral argument continued.

**NO ACTION**

April 3, 2007

**(2) CASE NO. 06-0760A**

Appeal from rejection during probation

**Classification:** Parole Agent I (Adult Parole)

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to May 8, 2007, Sacramento.

**NO ACTION**

**(3) CASE NO. 06-0235A**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Pending oral argument May 8, 2007, Sacramento.

**NO ACTION**

**(4) CASE NO. 06-3023A**

Appeal from ten percent reduction in salary for three months

**Classification:** Psychiatric Technician

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Pending transcript.

**NO ACTION**

**(5) CASE NO. 05-2888PA**

Appeal from dismissal

**Classification:** Staff Services Analyst (General)

**Department:** Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Oral argument originally set March 2 2007, Sacramento.

Continued to June 5-6, 2007, Sacramento.

**NO ACTION**

**(6) CASE NO. 05-1285A**

Appeal from dismissal

**Classification:** Public Safety Dispatcher II

**Department:** Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Pending oral argument June 5-6, 2007, Sacramento.

**NO ACTION**

April 3, 2007

- (7) **CASE NO. 05-0929PA**  
Appeal from rejection during probation  
**Classification:** Health Program Manager I  
**Department:** Department of Health Services  
  
Petition for Rehearing granted February 20, 2007.  
Pending oral argument May 8, 2007, Sacramento.  
  
**NO ACTION**
- (8) **CASE NO. 06-0188A**  
Appeal from dismissal  
**Classification:** Physician and Surgeon, CF  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected February 20, 2007.  
Oral argument heard April 3, 2007, Sacramento.  
  
**ACTION: SUBMITTED**
- (9) **CASE NO. 05-1067A**  
Appeal from dismissal  
**Classification:** Investigator  
**Department:** Department of Motor Vehicles  
  
Proposed decision rejected January 9, 2007.  
Pending oral argument May 8, 2007, Sacramento.  
  
**NO ACTION**
- (10) **CASE NO. 04-2919ERPA**  
Appeal of discrimination and retaliation  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for rehearing granted September 20, 2006.  
Oral argument originally set February 6-7, 2007, Los Angeles.  
Continued to May 8, 2007, Sacramento.  
  
**NO ACTION**
- (11) **CASE NO. 05-0927BA**  
Appeal for back salary determination  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected December 5, 2006.  
Oral argument heard April 3, 2007, Sacramento.  
  
**ACTION: SUBMITTED**

**(12) CASE NO. 05-4416PA**

Appeal from 10 percent reduction in salary for 13 pay periods

**Classification:** Medical Technical Assistant (Correctional Facility)

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted November 14, 2006.

Oral argument heard April 3, 2007, Sacramento.

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.

**25. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On April 3, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 05-1975**

**Classification:** Correctional Officer

**Department:** Department of Corrections & Rehabilitation

**Issue:** Suitability; two convictions for Driving Under the Influence in the past 10 years.

**ACTION: DENIED**

**(2) CASE NO. 05-1029**

**Classification:** Correctional Officer

**Department:** Department of Corrections & Rehabilitation

**Issue:** Suitability; whether appellant's name was properly withheld for DUI convictions.

**ACTION: GRANTED**

April 3, 2007

- (3) **CASE NO. 05-1169**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Whether appellant's name was properly withheld for one DUI conviction.  
**ACTION: GRANTED**
- (4) **CASE NO. 05-1681**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; two Driving Under the Influence convictions within ten years.  
**ACTION: GRANTED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-2606N**  
**Classification:** Corrections Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**
- **CASE NO. 06-3077N**  
**Classification:** Corrections Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**
- **CASE NO. 06-2297N**  
**Classification:** Corrections Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**
- **CASE NO. 06-4505N**  
**Classification:** Investigator I, ABC  
**Department:** Alcoholic Beverage Control  
**ACTION: DISMISSED**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

NONE

D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. CASE NO. 05-0947A**

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

**NO ACTION**

**7. CASE NO. 06-1814**

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**NO ACTION**



April 3, 2007

**8. CASE NO. 06-1310**

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**NO ACTION**

**9. CASE NO. 05-1975**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**ACTION: DENIED**

**10. CASE NO. 05-1977**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**11. CASE NO. 05-1029**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**ACTION: GRANTED**

**12. CASE NO. 05-2290**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**13. CASE NO. 05-1169**

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

**ACTION: GRANTED**

**14. CASE NO. 05-1681**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**ACTION: GRANTED**

**15. CASE NO. 05-1170**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**16. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS  
REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)**

(Hearing held January 9, 2007 and April 3, 2007.)

**NO ACTION**

**17. PSC NO. 06-02**

Appeal of AFSCME, Local 2620, AFL-CIO, from the Executive Officer's June 28, 2006, Approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services. (Oral argument held January 9, 2007.)

**ACTION:** The Board issued a decision disapproving the contracts (Member Costigan did not participate).

**18. CASE NO. 05-0053A**

Appeal from dismissal. Park Maintenance Assistant. Department of Parks and Recreation. (Oral argument held February 6, 2007.)

**NO ACTION**

**19. CASE NO. 05-2211A**

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

**NO ACTION**

**20. PSC NO. 06-05**

Appeal of the California Highway Patrol from the Executive Officer's September 28, 2006 Disapproval of a Contract for Custodial Services between the California Highway Patrol and Moran Janitorial Services. (Oral argument held March 2, 2007.)

**ACTION:** The Board issued a decision disapproving the contracts (Member Tom did not participate).

**21. CASE NO. 05-3741**

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

**NO ACTION**

**22. CASE NO. 06-0188A**

Appeal from dismissal. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

**NO ACTION**

**23. CASE NO. 05-0927BA**

Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

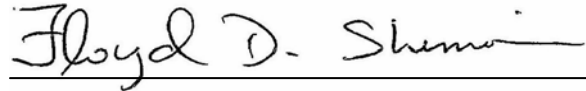
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on April 3, 2007.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board